

New Map
GOLD
In The Black Hills

Published By

D. N. Smith

Burlington, Iowa

MARCH 1876



TO ANSWER INQUIRIES ABOUT ROUTE, WE HAVE TO SAY

The Newberry Library

The Everett D. Graft Collection
of Western Americana

3837

CHOICE ROUTE

TO THE

BLACK HILLS,

IS VIA

KEARNEY JUNCTION!

GOOD TEAMS! PLENTY OF WATER!

PLENTY OF TIMBER!

COUNTRY SETTLED MOST OF THE ROUTE. FOOD FOR MAN
AND BEAST IS CHEAP.

The INDIANS are west and not to be feared on this Route.

Take the C. B. & Q. & B. & M. in Neb.

LEADING DIRECTLY FROM

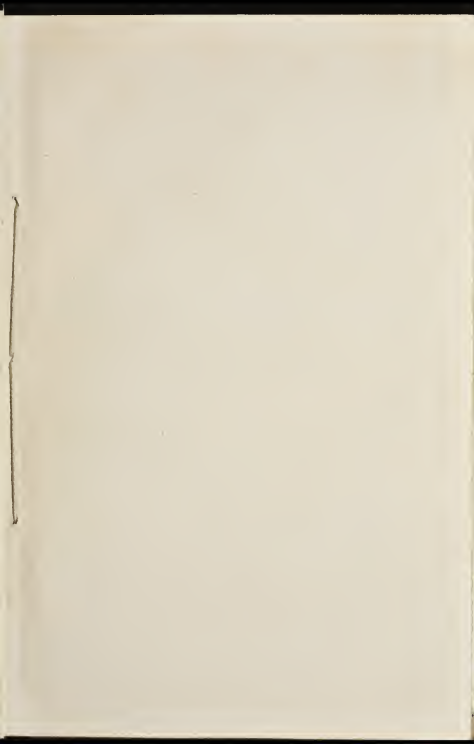
CHICAGO and intermediate points to KEARNEY JUNCTION!

FOR FULL PARTICULARS AS TO ROUTES, ADDRESS

P. LOWELL,

Gen'l Ticket Agent B. & M. R. R. in Neb.,

At OMAHA, NEB.





NEW MAP.

GOLD

IN THE

BLACK HILLS,

WITH

EXPLANATORY NOTES AND EXTRACTS FROM OFFICIAL
REPORTS, WITH LAWS APPENDED UPON THE
SUBJECT OF MINES AND MINING.



PUBLISHED BY

D. N. SMITH,

BURLINGTON, IOWA, MARCH, 1876.

NOTES.

In presenting a new map, with explanatory notes and quotations from the reports of men who have visited the Black Hills, and whose statements are entitled to credit, it is not our purpose to encourage immigration to that country, nor to dissuade men from going there whose inclinations lead them in that direction.

We do not propose to exhibit partiality for any particular route to the Black Hills. We present a reliable map of the country included between the fortieth and forty-fifty standard parallels of latitude, and the ninety-sixth and one-hundred and ninth meridians of longitude.

To our notes and quotations are appended the government laws pertaining to mineral lands and the location of mines in the territories of the United States; and the special laws of Dakota pertaining more particularly to the Black Hills country.

The scale of our map is, 1 inch equal to 24 miles.

To assist in computing distances, township lines are drawn over some portions of territory where surveys have not been made.

By carefully calculating from standard parallels of latitude and meridians of longitude—by consulting the map accompanying General Raynold's report of his explorations in 1859, and the maps accompanying General Custer's report of his exploration of the Black Hills in 1874, and by extending lines as shown by maps accompanying the reports of the Commissioner of the General Land Office, we are confident that this map is more correct and more reliable than any one heretofore published covering the same territory of country.

For assistance in collecting data for the map, and for the use of books from which we have gathered valuable information, we are indebted to the Hon. James W. McDill, M. C., to the Public Library of the City of Burlington, to C. W. Spaulding, Esq., to Colonel W. W. Patterson, and to our own office for a well selected assortment of State and Territorial maps, and laws and reports upon the subject of lands, mines and mining.

THE NEWBERRY
LIBRARY

GOLD IN THE BLACK HILLS.

This announcement has re-kindled the fires of 1849 throughout the entire country, and proved that revolutionary Americans are neither sluggish nor dull of comprehension ; but continue to be the same migratory, adventurous race of men.

The most popular slogan that Greeley ever uttered was, "GO WEST, YOUNG MAN !" "WESTWARD HO !" is as full of inspiration to-day as it was one hundred years ago. To witness the promptness with which thousands catch the inspiration, and break from friends and home, abandoning every other branch of business, and launch out upon the perils of the plains,—we must conclude that the testimony which they have received has produced the irresistible conviction that all the reports about gold in the "Black Hills" must be true.

The Excitement

Of such intelligence stirs the warmest blood of thousands, who crowd to the front and resolve to advance. They are not deterred by the sweeping winter's storms ; nor do they

cower before the menaces of savage hordes. A "battery" of military orders cannot intimidate them. Their watchword is, "On to the Hills!" until the surging tide of live Americans sweeping through the fastnesses of the mountains shall anchor in some enchanting park, where they may number among the proud miners' camps, while fortunes pour in upon them from lode and gulch, and from valley and mountain.

The Possibility of a Disappointment

May not be taken into account, as most of the eager throng will enter the field "**uninitiated**," not knowing the difference between "**gulch**" and "**lode mining**." They could not tell a sluice box from a furnace, and would be perfectly at sea on the definitions of back-stopping, drifting, running levels, or driving tunnels. Yet, such men will be likely to insist that the veritable metal, as found in the crucible of nature, abounds in the "Black Hills" in such quantities as it is found nowhere else. Such men will be liable to insist that iron pyrites is pure gold, and to pronounce "auriferous quartz rock" as entirely worthless. Education will correct such errors.

It is said of Captain Parry, who was sailing for the north pole, that he landed on an ice field. After driving a "dog sledge" due north for twenty days, at twenty-five miles a day, by taking an observation he found that, after all his travel, he was farther south than when he landed, inasmuch as the ice field was drifting south. Some who crowd to the Black Hills may, after careful observation, find that they have been drifting *from* comfort and fortune; or that the richest deposits of gold are not found in the "Hills;" and they must *push on* to the "mountains" of Powder, Big Horn and Wind Rivers, which General P. H. Sheridan says "are all gold bearing" mountains.

The Responsibility

For stirring the elements which are being lashed into such a wonderful storm of commotion, rests mainly upon the reports of the following named parties, viz :

Lieutenant Warren, of the U. S. A. topographical engineer corps, in his report of 1858 states that, "The Black Hills are composed of the same formations of stratified rocks as are found in the gold bearing gulches of the Wind River and Big Horn Mountains."

Captain W. F. Raynolds, of the same corps of engineers, and who explored the Black Hills country in 1859, says: "Very decided evidences of the existence of gold were discovered, both in the valley of the Madison and the Big Horn Mountains, and we found some indications of its presence in the Black Hills, between the forks of the Cheyenne."

In 1870, Father DeSmet reports that, "In the Black Hills of Dakota, beyond the ken of the white man, and where his feet as yet have never trod, there is gold enough to pay off the debt of the nation, and, for that matter, the entire debt of the world, and yet the deposit would hardly have been drawn upon."

August 2d, 1874, Captain Ludlow reports that, "There is much talk of gold." He has seen gold in General Custer's camp, and "the miners express themselves quite confident that if they could reach the bed rock in the valleys, in a favorable place, plenty of gold could be found by the use of the pan."

August 15th, 1874, General Custer says that, "On some of the water courses almost every pan full of earth produces gold in small yet paying quantities."

The company of twenty-nine who left Sioux City October 6th, and anchored in Custer's Park December 23d,

1874, reported the existence of gold in the Park, through letters written by D. G. Tallent, R. R. Whitney, T. H. Russell, and by Gordon and Whicher, who returned to Yankton February 27th, 1875, to spread the startling and convincing intelligence of their new "Eldorado."

March 1st, 1876, Lieutenant General Sheridan states that he is of the belief that "the largest deposits of gold are further west than where the miners are, now working."

An Irresistible Conclusion.

Either the gentlemen making the above enumerated reports are unpardonably in error for their stupid credulity, or they are wilfully perpetrating a stupendous fraud upon the American people, which can but result in the bankruptcy and suffering of thousands who have been misguided by them, or there must be more or less gold deposited in the Black Hills.

Generals Reynolds, Custer and Sheridan are too intelligent to be easily mistaken, and they are too honorable to mislead those who receive their statements, which we have copied from official reports.

GENERAL CUSTER'S REPORT OF THE BLACK HILLS.

HEADQUARTERS BLACK HILLS EXPEDITION, }
 BEAR BUTTE, D. T. (via Bismarck), Aug. 15, 1874. }

To the Assistant Adjutant General, Department of Dakota, St. Paul, Minnesota :

My last dispatch was written on the 2d and 3d instants, and sent from the South Fork of the Cheyenne, from a point on the latter nearest to Fort Laramie.

On the morning of the 4th inst. I began my return march to our main camp, near Harney's Peak, arriving there by a different route on the 6th.

On the morning of the 7th the expedition began its march northward, Bear Butte being our next objective point. We advanced without serious obstacle until within ten or twelve miles of Bear Butte, when we found our further progress barred by a high range of impassable hills. We attempted to effect a passage through some one of the many valleys whose water-courses ran directly through the hills in the desired direction, but in every instance we were led into deep, broken canons, impassable even to horsemen. Through one of these I made my way on foot, and from a high point near its mouth obtained a view of the plains on the outside. Retracing my steps, I placed the command in camp in a fine valley in which it halted, and devoted the remainder of the day to a further search for a practicable route through the hills. The result decided me to follow down a water course which led us first toward the south and afterward the east. This stream proved to be Elk Creek, the valley of which, as well as the stream itself, proving at least equal in beauty and extent to any passed through during our march. We camped twice on the stream, and as far as we proceeded down its course we had a most excellent road; but finding that, like nearly all other streams leaving the hills, its course would take us into a canon that could barely be made practicable for our wagons, I searched for and discovered a narrow gap in the rocky wall which forms the northern boundary of the valley, and which was conveniently large to allow our wagons to pass through. A march of an hour up a gradual ascent and through a pine forest, brought us to a beautiful park, containing thousands of acres, and from which we obtained a fine view, in the distance, of our old acquaintance—the plains. Here we pitched our tents for the last time in the Black Hills; nearly every one being loth to leave a region which had been found so delightful in almost every respect. Behind us the grass and foliage were clothed in green of the freshness of May. In front of us, as we cast our eyes over the plains below, we saw nothing but a comparatively parched, dried surface, the sun-burnt pasturage of which offered a most uninviting prospect both to horse and rider, when remembering the rich abundance we were leaving behind us. A march of twenty-six miles, gradually bearing northward, brought us to the base of Bear Butte, at which point I concluded to remain one day before beginning our return march.

I propose to return by a different, although, perhaps, not shorter route adopted in coming to the Black Hills. I am induced to make this change in order to embrace a large extent of unexplored country with-

in the limits of our explorations, and particularly to enable us to locate as much as possible of that portion of the Little Missouri of which nothing is now known. I expect the expedition to reach Fort Lincoln on the 31st of August.

The health of the command has been, and is, most excellent.

The expedition entered the Black Hills from the west side, penetrated through the eastern and most southern ranges, explored the major portions of the interior, and passed out the most eastern range, which form the boundary of the Black Hills. From the fact that in all our principal marches through the Black Hills we have taken, without serious obstacle, a heavily laden train of over one hundred wagons, it may be inferred that the Black Hills do not constitute the impenetrable region heretofore represented. In entering the Black Hills from any direction, the most serious, if not the only obstacles were encountered at once near the outer base. This probably accounts for the mystery which has so long existed regarding the character of the interior. Exploring parties have contented themselves with marching around the exterior base, and, from the forbidding aspect of the hills as viewed from a distance, inferred that an advance toward the interior would only encounter increased obstacles.

In regard to the character of the country enclosed by the Black Hills, I can only repeat what I have stated in previous dispatches. No portion of the United States can boast of a richer or better pasturage, purer water, the natural temperature of which in mid-summer, as it flows from the earth, is but twelve degrees above the freezing point, and is of greater advantage generally to the farmer or stock raiser, than are to be found in the Black Hills. Building stone of the best quality is to be found in inexhaustible quantities. Wood for fuel, and lumber sufficient for all time to come. Rains are frequent, with no evidence in the country of either drouth or freshets. The season, perhaps, is too short and the nights too cool for corn, but I believe all other grain could be produced here in wonderful abundance. Wheat would yield particularly large.

There is no doubt of the existence of various minerals throughout the hills, as the subject has received especial attention of experts who accompany the expedition, and will be reported upon in detail. I will only mention the fact that iron and plumbago have been found, and beds of gypsum of apparently inexhaustible extent.

I referred in a former dispatch to the discovery of gold. Subsequent

examinations at numerous points confirm and strengthen the fact of the existence of gold in the Black Hills. On some of the water-courses almost every panful of earth produced gold in small yet paying quantities. Our brief halts and rapid marching prevented anything but a very hasty examination of the country in this respect, but in one place, and the only one within my knowledge where so great a depth was reached, a hole was dug eight feet in depth. The miners report that they found gold among the roots of the grass, and from that point to the lowest point reached, gold was found in paying quantities. It has not required an expert to find gold in the Black Hills, as men without former experience in mining have discovered it at an expense of but little time and labor.

As an evidence of the rich pasturage to be found in this region, I can state the fact my beef herd, after marching upwards of 600 miles, is in better condition than when I started, being now as fat as is consistent with marching condition. The same may be said of the mules of the wagon train. The horses of the command are in good working condition.

I have never seen as many deer as in the Black Hills; elk and bear have been killed.

We have had no collision with hostile Indians.

(Signed)

G. A. CUSTER,

Brev. Maj. Gen. U. S. A. Commanding Expedition.

The following extract from a letter from Lieutenant-General Sheridan to General Sherman under date of March 25, 1875, needs no comments:

"I purpose, if you do not object, to open up the Yellow Stone river by sending General Geo. A. Forsythe and Colonel Grant, of my staff, up the Yellow Stone to the mouth of the Big Horn as soon as the ice breaks, which gives the lowest tide water, having already secured a steamboat to make this exploration. If General Forsythe is successful I will send General Custer with a command from Fort Lincoln across the mouth of the Powder river, thence up on the south bank of the Yellowstone, crossing the Powder river, the Tongue river, Rosebud, and on to the mouth of the Big Horn. This country is as yet entirely unexplored, and the expedition may develop a very valuable auriferous

section and make Father De Smet's story to some extent true. But I am of the opinion that the mountain of mica was not changed to gold. I will also send an expedition down the Wind river, through the Owl Creek Mountain from Fort Stambaugh, *via* Fort Brown, to the mouth of the Big Horn, and will bring it back through the parks about the head of the Powder river, visited by Captain Mills and his command last summer. Those parks are, for beauty, fully equal to those described so graphically by General Custer as exciting in the Hills of Cheyenne. I may also say, from my own knowledge, that the valleys of the Big and Little Po-Po Agic, Little Wind river and Main Wind river can scarcely be excelled in beauty and fertility, while the student of nature will find there the most extraordinary upheavals of the earth's crust probably to be found on this continent. I am of the opinion that this country is gold-bearing, but of its abundance there can only be a conjecture at present."

General Sheridan Gives an Opinion.

CHICAGO, March 1, 1876.

General Sheridan having been requested by the Military Committee of the House of Representatives to supplement his testimony on military affairs to that recently given before that committee, recommends the necessity of two military posts on the Yellowstone, one near the mouth of the Big Horn river and the other near the mouth of the Tongue river, and thinks both these forts can be built for \$200,000 instead of the \$300,000 mentioned in the bill now before the House. General Sheridan further states that he is of the belief that the largest deposits of gold are further west than where the miners are now working. The headwaters of Wind river, Owl Creek mountains, the Big Horn valley, and Powder river, and also Clark's fork of the Yellowstone are all gold-bearing. The success of these interests depends on the establishment of the two posts named. Military operations have now been commenced against the hostile bands of Sioux, by request of the Interior Department, and that he considers this appropriation so necessary that he especially requests immediate action on it.

Opportunities would not justify these gentlemen in entering more into detail, and less said by them would not have conveyed their belief in the existence of paying quantities of gold in the Black Hills country.

Routes to the Black Hills.

Whether men start from Yankton, Sioux City, Omaha, Lincoln, Grand Island or Kearney Junction, in approaching the Black Hills from either of these several points, it is practicable for all to strike Gordon's trail, where he crossed the Niobrara River, at the mouth of Snake River, in township 33 north of range, 29 west of the 6th P. M. ; or, cross the Niobrara at the mouth of Pine Creek, in township 30 north of range, 43 west of the 6th P. M. From either of these crossings all could enter the hills over the same route. The roads are said to be good.

From the crossing of the Niobrara the general course will be northwest, to the mouth of French Creek, on the south branch of the Cheyenne River.

Prairies of Dakota.

Captain Wm. Ludlow, Topographical Engineer of General Custer's expedition in 1874, writes as follows :

"The Dakota prairies have been often described, but their general characteristics may be briefly stated : A rolling and at times hilly country, destitute of wood, except small quantities in the valleys of the streams, and covered with short grass. The horizon bounded everywhere by the undulating outlines of the surfuse, and varied occasionally by some more dominating elevations, which constitute the land-marks for the traveler, and are called buttes. The whole country was once ranged over by enormous herds of Buffalo, whose trails are everywhere visible, but which are now seldom seen east of the Little Missouri."

Location of the Hills.

Captain Ludlow writes that "The Black Hills are an out-lying portion of the Rocky Mountains, covering an area about equal to the State of Connecticut, included be-

tween the forty-third and forty-fifth parallels of latitude, and the one hundred and third and one hundred fifth meridians of longitude. They lie, therefore, mostly within the borders of Dakota, but trench also upon those of Wyoming."

Rain-fall and Water Supply.

July 27th, Captain Ludlow says :

"This portion of the Black Hills evidently never suffers from drouth. No arid places are seen, except on the summits of the limestone ledges. Springs are numerous, and their water is very cold and pure. The soil is everywhere moist and vegetation marvelously luxuriant and fresh. The warm currents of air from the plains condense as they ascend the slope of the hills, and are robbed of their moisture in fog, rain and heavy dews, which occur nightly."

Captain W. F. Reynolds reports that, "While traveling from the Missouri River westward over the plains, in 1859, we scarcely saw a drop of rain until we reached the Black Hills, where we encountered several hard showers. Between the Black Hills and Big Horn Mountains we were again on the plains, and without rain. Along the base of the latter range we found frequent showers and an abundance of clear, beautiful water. The same remarks apply to our explorations of 1860. During a large portion of the early part of the season we were in the mountainous districts, and were frequently drenched by heavy showers."

In treating of the sources of the Missouri River, Captain Reynolds says :

"The Cheyenne is much the most important tributary between the Platte and Yellowstone. It is formed by two main branches which entirely surround and drain the Black

Hills. Its valley below the forks is from one-half to three-quarters of a mile in width, of alluvial soil, and covered with a heavy growth of bottom grass.

Timber.

“Beautiful cottonwood groves fringe its banks throughout its whole length. The whole region of the Black Hills is unquestionably destined, at no distant date, to afford homes for a thriving population. The mountains will furnish a sufficient supply of pine lumber for ordinary uses, and, although timber is very scarce in the region as a whole, yet the Black Hills will fully supply this great deficiency in the district immediately adjoining.”

For further information in reference to climate, water, timber and other resources of the Black Hills country, the reader is respectfully referred to the report of General Custer, dated August 15, 1874, on pages 6—9.

Onward to the Park!

From the south branch of Cheyenne River, the course will be northwest, following the south branch of French Creek into Custer's Park, and the country which Captain Ludlow, in his report of 1874, describes as follows:

“July 30, we traveled all day through a beautiful pastoral and agricultural country, half wood, half glade, full of deer, and abundantly grassed. Harney's Peak was passed eight or nine miles on the left.”

He further reports:

“July 31, General Custer and myself, with Professors Winchell and Donaldson and Mr. Wood, escorted by a company of cavalry, set out to ascend Harney. A rough ride of eight or nine miles, over high hills and heavily timbered ravines, in some of which birch was seen for the first time, brought us to the foot of a granite elevation,

with a creek flowing eastward. Wild raspberries, unexcelled in size and flavor, abounded; and in dark, wet bottoms the Juneberry bushes grew to a height of ten or twelve feet, and hung full of fruit.

"Leaving the horses at the foot of the clear granite, the ascent was made on foot. * * * *

* * * A stiff climb brought us to the top, where nothing more lofty could be seen, and we stood on the most elevated portion of the hills, some 9,700 feet above the sea, except that alongside us rose a mass of granite forty feet in height, with perpendicular sides, that forbade an attempt to scale them without the aid of ropes and ladders.

"The view was superb, extending over the intervening peaks and hills to a broad expanse of prairie from the north by east round to southwest. The courses of the forks of the Cheyenne could be directly traced, and a dim line, visible to the southeast, was even thought to be the hills of White River, fifty or sixty miles distant. Bear Butte, forty odd miles to the north, was again seen over the wooded ranges; and all but Inyan Kara of the principal peaks were in view. Two of the prominent ones I have named for General Terry and General Custer. The return to camp was a struggle. Rocks, creeks, marshes, willow and aspen thickets, pine timber, dead and fallen trees, steep hillsides and precipitous ravines,—every difficulty multiplied by the darkness, and only the stars for a guide. Camp was finally reached, at 1:30 in the morning."

Professor Donaldson, the botanist of General Custer's expedition, in speaking of the

Black Hills Valleys Generally,

Says: "The valleys and hillsides were found well wooded, mostly Norway pine, and in many places the forests were

blackened by the fierce fires which occasionally rage in that wilderness. Great difficulty was found in serpentining their way into the Hills through the almost impassable canons, and equal difficulty in finding egress. Once fairly in the Parks, moving in any direction was easily accomplished."

The Professor, continuing his report, says, in speaking of

Custer's Park.

"This beautiful valley, in which we are now encamped, exceeds in beauty, loveliness and grandeur all others. Travelers tell me that nothing known compares with it. The scenery is more interesting, more varied and more charming than that of the Yosemite, of the Yellowstone or Central Park. The Park is about fifteen miles long by three wide."

Captain Ludlow, in his report, when referring to

The Resources of the Black Hills,

Says: "Whatever may ultimately be determined as to the existence of large amounts of precious metal in the Black Hills—and the evidence I gathered on the trip I conclude was on the whole discouraging to that supposition—the real wealth and value of the country are beyond doubt very great. Utterly dissimilar in character to the remaining portions of the territory in which it lies, its fertility and freshness, its variety of resources, and delightful climate, the protection it affords both against the torid heat and arctic storms of the neighboring prairies, will eventually make it the home of a thronging population."

Captain Ludlow did not seem capable of measuring up to the magnitude of his surroundings or he would not have so grossly undervalued the results of General Custer's expedition to the Black Hills. He certainly formed no ade-

quate conception of the effect to be produced upon the minds of the American people, who now distance his computations of the utility of that country by at least forty-eight years. He suggests as to the

Use of the Black Hills.

“It is probable that the best use to be made of the “Black Hills for the next fifty years would be as to the “permanent Reservation of the Sioux, where they could “be taught occupations of a pastoral character, which, of “all semi-civilized means of subsistence, would be most “natural and easy for them, and result in relieving the “United States government of the burden of their support.” A glance at the thousands preparing to go, and now in transit, might suggest to the Captain that some mysterious trance has bridged the chasm of forty-eight or forty-nine of his fifty years.

Much of the route from the Missouri river to the Black Hills lies through an unsettled country, and it is but reasonable for emigrants to inquire all about

Forage on the Plains.

It is safe to answer that the country between the thirty-eighth and forty-sixth parallels of latitude, and from the Missouri river to the Rocky mountains, is unsurpassed as a grazing country. All west of the ninety-eighth meridian of longitude affords abundant and reliable winter forage, there being no rain during the cold months to chill and waste the stock. The annual rainfall of this belt of country is from twenty to twenty-five inches. This rain-fall includes the snow reduced to water measure, twelve inches of snow making one inch of water. This water falls mostly in the spring in gentle rains, during the month of May, which is the rainy season of the country.

This month of May's rain gives our grasses their growth, and by the first to the fifteenth of June they are fully matured. Our rains then come in short showers, and the fall for the summer is small. Our grasses begin to cure and by the first of September *they have become perfectly cured, uncut hay*. This one fact alone is the key to the great superiority of this country for grazing.

Our grasses cure instead of decomposing, as there is neither the heat nor the moisture, both of which are necessary for the chemical process of decomposition.

General Raynolds wintered during the winter of 1859 and 1860, on Deer creek, say eighty or ninety miles west of the Black Hills. Note his report on wintering stock on pages 74 and 75 of Explorations. He observes: "Throughout the whole of the season's march the subsistence of our animals had been obtained by grazing after we had reached the camp in the afternoon, and for an hour or two between the dawn of day and our time of starting. The consequence was that when we reached our winter quarters there were but few animals in the train that were in a condition to have continued the march without a generous grain diet. Poorer and more broken down creatures it would be difficult to find. In the spring all were in as fine condition for commencing another season's work as could be desired. A greater change in their appearance could not have been produced, even if they had been grain-fed and stable-housed all winter. *Only one was lost*, the furious storm of December coming on before it had gained sufficient strength to endure it. *This fact, that seventy exhausted animals, turned out to winter on the plains the first of November, came out in the spring in the best condition, and with the loss of but one of the number, is the most forcible commentary I can make of the quality of the grass and the character of the winter.*

Distances—Routes to the Hills.

Entering the Black Hills *via* French creek to Custer's Park, the following are the distances, by direct line from each point named, to the mouth of French creek, on the south branch of the Cheyenne river, viz: From Yankton, 290 miles; from Sioux City, 342 miles; from Omaha, 390 miles; from Lincoln, 366 miles; from Grand Island, 296 miles, and from Kearney Junction, 275 miles.

The best route from Yankton and Sioux City is by way of the Niobrara river. The best route with teams from Omaha, is by way of the Elk Horn valley, to O'Neil City, and from there strike Gordon's trail up Niobrara valley. From Lincoln, Grand Island and Kearney Junction, the best route is by way of the Loupe river valley, crossing the Niobrara as indicated on page 11.

Platte Valley—Northern Nebraska.

The valleys of the Platte, the Elk Horn and the Loupe, with their tributaries stretching hundreds of miles westward from the Missouri river, afford advantages which were undiscovered in the early history of that country.

In 1820 Major Long, of the U. S. Army, described the basin of the Platte river as lying in the "American desert." Finding numerous "buffalo wallows," he wrote, "What should ever prompt buffalo to seek the inhospitable deserts of the Platte, is not, perhaps, easy to conjecture."

If Major Long had been himself a buffalo, he would have known more about the rich and luxurious grazing grounds of the Platte valley, and it might have been "easy to conjecture" the intelligence of the buffalo's choice.

If the Major was here now, he might see his "inhospitable deserts" converted into fruitful fields, which rejoice and blossom as the rose.

In 1858, when settlements had just touched the western shores of the Missouri river, a writer in the *North American Review* stated that population had "already reached their western inland frontier, and the western stream of emigration was there dammed up, so that it must fork northward toward Canada, or southward toward New Mexico; that the "Prairie table lands back of the Missouri bluffs are not capable of much cultivation; and periodical inundations render permanent improvements impracticable in the Platte bottoms."

Much charity would be required now, to cover the blunders of such uneducated scribblers, who attempted such an unpardonable joke upon intelligent Americans.

With agreeable weather, a trip through the broad and fertile valleys, and over the rich and undulating table lands of Northern Nebraska, where there is such an abundant supply of water, forage, and fuel, could not be otherwise than delightful to any who can be interested with the advantages and the magnificence of this fair portion of our heritage.

If the Reports are True,

Fortunes must accumulate with unprecedented rapidity.

The reports of Father De Smet and others being true, the supply of gold in the Black Hills must be abundant. The statements of Captains Raynolds and Ludlow being true, there must be an abundance of water in the Black Hills, for purposes of gulch mining, and for sluicing out all the gold mingled with the bedding of every creek in that country.

The report of the press being true, there will soon be sufficient forces in that country to "go through" the Black Hills, in a way that will bring out gold enough to enrich the nation.

Supposing that it should occur that all who go do not find fortunes in the Black Hills, nor in the mountains beyond, the result of this commotion, which is drifting thousands across the plains, is not to be lost.

The excitement of 1849 and 1859, have not proved a disadvantage to our country, though thousands were disappointed.

The westward migration of such a large number turned to the formation of new States and Territories, furnishing homes for the millions.

It may be so with many who are carried westward with the present tide, that the occasion may unfold to them such a country as they had never looked upon, nor conceived of before, right in the grand American zone, of a dense population, with a soil and climate not excelled, they may yet find themselves princes and lords of fortunes taken from the fertile plains, to which every Rocky mountain miner must look for the necessities of life.

The following laws upon the subject of Mines and Mining are important, and should be well understood by all who enter the field of mineral resources:

GENERAL MINING LAWS OF THE UNITED STATES.

The following is a full text of the general Mining Law of the United States as provided by Act of Congress, Approved May 10, 1872, entitled

AN ACT to Promote the Development of the Mining Resources of the United States :

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration, and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners, in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

SEC. 2. That mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining-claim located after the passage of this act, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode ; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface except where adverse rights existing at the passage of this act shall render such limitation necessary. The end-lines of each claim shall be parallel to each other.

SEC. 3. That the locators of all mining locations heretofore made, or which shall hereafter be made, on any mineral vein, lode or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists at the passage of this act, so long as they comply with the laws of the United States, and with State, territorial and local

regulations not in conflict with said laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of said surface locations: *Provided*, That their right of possession to such outside parts of said veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as aforesaid, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of said veins or ledges: *And provided further*, That nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

SEC. 4. That where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of said tunnel.

SEC. 5. That the miners of each mining district may make rules and regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining-claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the passage of this act, and until a patent shall have been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the passage of this act, ten dollars' worth of labor shall be performed or improvements made each year for each one hundred feet in length along the vein until a patent shall have been issued therefor; but where such claims are held in common such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made: *Provided*, That the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after such failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required by this act, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper pub-

lished nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion to comply with this act, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

SEC. 6. That a patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this act, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this act, may file in the proper land-office an application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States Surveyor-General, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted as aforesaid, and shall file a copy of said notice in such land office, and shall thereupon be entitled to a patent for said land in the manner following: The register of the land office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to said claim: and he shall also post such notice in his office for the same period. The claimant' at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the

register a certificate of the United States Surveyor-General that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication, the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during said period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with this act.

SEC. 7. That where an adverse claim shall be filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After said judgment shall have been rendered, the party entitled

to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land office, together with the certificate of the Surveyor-General that the requisite amount of labor has been expended, or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the commissioner of the general land office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court to rightly possess. If it shall appear from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the Surveyor-General, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the general land office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Proof of citizenship under this act, or the acts of July 26th, 1866, and July 9th, 1870, in the case of an individual, may consist of his own affidavit thereof, and in case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief, and in case of a corporation organized under the laws of the United States, or of any State or Territory of the United States, by the filing of a certified copy of their charter or certificate of incorporation, and nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person whatever.

SEC. 8. That the description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public survey, but need not conform therewith ; but where a patent shall be issued as aforesaid for claims upon unsurveyed lands, the Surveyor-General, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

SEC. 9. That sections one, two, three, four and six of an act entitled, "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July 26th, 1866, are hereby repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted to a final decision in the general land office ; but in such cases where adverse right are not affected thereby, patents may issue in pursuance of the provisions of this act ; and all patents for mining claims heretofore issued under the act of July 26th, 1866, shall convey all the rights and privileges conferred by this act where no adverse rights exist at the time of the passage of this act.

SEC. 10. That the act entitled, "An act to amend an act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July 9th, 1870, shall be and remain in full force, except as to the proceedings to obtain a patent, which shall be similar to the proceedings prescribed by sections six and seven of this act for obtaining patents to vein or lode claims ; but where said placer-claims shall be upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims hereafter located shall conform as near as practicable with the United

States system of public land surveys and the rectangular subdivision of such surveys, and no such location shall include more than twenty acres for each individual claimant, but where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; *provided*, That proceedings now pending may be prosecuted to their final determination under existing laws; but the provisions of this act, when not in conflict with existing laws, shall apply to such cases; *and, provided, also*, That where, by the segregation of mineral land in any legal subdivision, a quantity of agricultural land less than forty acres remains, said fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

SEC. 11. That where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer-claim, with the statement that it includes such vein or lode, and in such case (subject to the provisions of this act and the act entitled "An act to amend an act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July ninth, eighteen hundred and seventy) a patent shall issue for the placer-claim, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in the second section of this act, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an ap-

plication for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim ; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

SEC. 12. That the Surveyor-General of the United States may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under this act ; and in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining-notices in such district, and fix the rates to be charged by such paper ; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by said applicant for publication and surveys, together with all fees and money paid the register and receiver of the land office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office. The fees of the register and receiver shall be five dollars each for filing and acting upon each application for

patent or adverse claim filed, and they shall be allowed the amount fixed by law for reducing testimony to writing, when done in the land office, such fees and allowances to be paid by the respective parties ; and no other fees shall be charged by them in such cases. Nothing in this act shall be construed to enlarge or affect the rights of either party in regard to any property in controversy at the time of the passage of this act, or of the act entitled "An act granting the right of way to ditch and canal owners over public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, nor shall this act affect any right acquired under said act ; and nothing in this act shall be construed to repeal, impair, or in any way affect the provisions of the act entitled "An act granting to A. Sutro the right of way, and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-fifth, eighteen hundred and sixty-six.

SEC. 13. That all affidavits required to be made under this act, or the act of which it is amendatory, may be verified before any officer authorized to administer oaths within the land district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and affect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of the land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party ; or if said party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land office as published nearest to the location of such land ; and the register shall require proof that such notice has been given.

SEC. 14. That where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection. *Provided however*, that the subsequent location shall have the right of way through said space of intersection for the purposes of the convenient working of the said mine: *And provided also*, That where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

SEC. 15. That where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface ground may embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable under this act to veins or lodes; *provided*, That no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this act for the superficies of the lode. The owner of a quartz-mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

SEC. 16. That all acts and parts of acts inconsistent herewith are hereby repealed; *provided*, That nothing contained in this act shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws.

Approved, May 10, 1872.

MINING LAWS OF DAKOTA.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

SECTION 1. That the length of any lode claim hereafter located within this Territory may equal, but shall not exceed, fifteen hundred (1500) feet along the vein or lode.

SEC. 2. The width of lode claims shall be one hundred and fifty (150) feet on each side of the center of the vein or crevice ; *provided*, That any county may, at any general election, determine upon a greater width, not exceeding three hundred (300) feet on each side of the center of the vein or lode, by a majority of the legal votes cast at said election ; and any county, by such vote at such election, may determine upon a less width than above specified ; *provided*, That not less than twenty-five (25) feet on each side of the vein or lode shall be prohibited.

SEC. 3. That the discoverer of a lode shall, within three (3) months from the date of discovery, record his claim in the office of the Recorder or Register of Deeds of the county in which such lode is situated, by a location certificate, which shall contain—

1. The name of the lode ;
2. The name of the locator ;
3. The date of location ;
4. The number of feet in length claimed on each side of the discovery shaft ;
5. The number of feet in width claimed on each side of the lode.
6. The general course of the lode, as near as may be.

SEC. 4. Any location certificate of a lode claim which shall not contain the name of the lode, the name of the locator, the date of location, the number of lineal feet

claimed on each side of the discovery shaft, the number of feet in width claimed, the general course of the lode, and such description as shall identify the claim with reasonable certainty, shall be void.

SEC. 5. Before filing such location certificate, the discoverer shall locate his claim by first sinking a discovery shaft thereon sufficient to show a well defined mineral vein or lode ; second, by posting at the point of discovery, on the surface, a plain sign or notice containing the name of the lode, the name of the locator, and the date of discovery, the number of feet claimed in length on either side of the discovery, and the number of feet in width claimed on each side of the lode ; third, by marking the surface boundaries of the claim.

SEC. 6. Such surface boundaries shall be marked by eight (8) substantial posts, hewed or blazed on the side or sides facing the claim, and sunk in the ground, to-wit : One at each corner, and one at the center of each side line, and one at each end of the lode. When it is impracticable on account of rock or precipitous ground to sink such posts, they may be placed in a monument of stone.

SEC. 7 Any open cut, cross cut, or tunnel, at a depth sufficient to disclose the mineral vein or lode, or an adit of at least ten (10) feet in along the lode from the point where the lode may be in any manner discovered, shall be equivalent to a discovery shaft.

SEC. 8. The discoverer shall have sixty (60) days from the time of uncovering or disclosing a lode, to sink a discovery shaft thereon.

SEC. 9. The location or location certificate of any lode claim shall be construed to include all surface ground within the surface lines thereof, and all lodes and ledges throughout their entire depth, the top or apex of which lie inside of such lines extended vertically, with such parts of

all lodes or ledges as continue, by dip, beyond the side lines of the claim, but shall not include any portion of such lodes or ledges beyond the end lines of the claim or the end lines *contained*, [continued] whether by dip or otherwise, or beyond the side lines in any other manner than by the dip of the lode.

SEC. 10. If the top or apex of the lode, in its longitudinal course, extends beyond the exterior lines of the claim at any point on the surface, or as extended vertically downward, such lode may not be followed in its longitudinal course beyond the point where it is intersected by the exterior.

SEC. 11. All mining claims now located, or which may be hereafter located, shall be subject to the right of way of any ditch or flume for mining purposes, or of any tramway or pack-trail which is now in use, of which may be hereafter laid out across any such location: *Provided always*, That such right of way shall not be exercised against any location duly made and recorded, and not abandoned prior to the establishment of the ditch, flume, tramway or pack-trail without consent of the owners except by condemnation, as in case of land taken for public highways; parol consent to the location of any such easement, accompanied by the completion of the same over the claim, shall be sufficient without writing: *And provided further*, That such ditch or flume shall be so constructed that the water from such ditch or flume shall not injure vested rights by flooding or otherwise.

SEC. 12. When the right to mine is in any case separate from the ownership or right of occupancy to the surface, the owner or rightful occupant of the surface may demand satisfactory security from the miner, and if it be refused may enjoin such miner from working until such security is

given. The order for injunction shall fix the amount of bond.

SEC. 13. If at any time the locator of any mining claim heretofore or hereafter located, or his assigns, shall apprehend that his original certificate was defective, erroneous, or that the requirements of the law had not been complied with before filing, or shall be desirous of changing his surface boundaries, or of taking in any part of an overlapping claim which has been abandoned, or in case the original certificate was made prior to the passage of this law, and he shall be desirous of securing the benefit of this act, such locator or his assigns may file an additional certificate subject to the provisions of this act: *Provided*, that such relocation does not interfere with the existing rights of others at the time of such relocation, and no such relocation or record thereof shall preclude the claimant or claimants from proving any such title or titles as he or they may have held under previous locations.

SEC. 14. The amount of work to be done or improvements made during each year to hold possession of a mining claim, shall be that prescribed by the laws of the United States, to-wit: One hundred dollars annually.

SEC. 15. Within six (6) months after any set time or annual period herein allowed for the performance of labor or making improvements upon any lode claim, the person on whose behalf such outlay was made, or some person for him, shall make and record an affidavit in substance as follows:

TERRITORY OF DAKOTA, }
County of }

Before me the subscriber personally appeared
., who being duly sworn, says that at least . . .
. dollars' worth of work or improvements were
performed or made upon (here describe claim or claims, or

part thereof,) prior to the . . . day of . . . A. D. 18 . . . ,
 . . . , situate in mining district, county of
 , Territory of Dakota. Such expenditure was
 made by or at the expense of , owners of said
 claim, for the purpose of holding said claim.

[Jurat.]

[Signature.]

And such certificate when recorded in the office of the register of deeds of the county wherein such claim is located, shall be *prima facie* evidence of the performance of such labor.

SEC. 16. The relocation of abandoned lode claims shall be by sinking a new discovery shaft and fixing new boundaries in the same manner as if it were the location of a new claim, or the relocater may sink the original shaft, cut or adit to a sufficient depth to comply with sections five (5) and (7) of this act, and erect new or adopt the old boundaries, renewing the posts if removed or destroyed. In either case, a new location stake shall be erected. In any case, whether the whole or part of an abandoned claim is taken, the location certificates may state that the whole or any part of the new location is as located abandoned property.

SEC. 17. No location certificate shall claim more than one location, whether the location be made by one or several locators; and if it purport to claim more than one location, it shall be absolutely void, except as to the first location therein described; and if they are described together, or so that it cannot be told which location is first described, the certificate shall be void as to all.

SEC. 18. The register of deeds shall be entitled to receive the sum of one dollar for each location certificate recorded and certified by him, and shall furnish the locator or locators with a certified copy of such certificate

when demanded, for which he shall be entitled to receive fifty cents.

SEC. 19. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 20. This act shall take effect and be in force on an after its passage.

Approved, January 6, 1875.

ADVERSE CLAIMS PROTECTED.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

SECTION 1. That in all actions in any district court of this Territory wherein the title or right of possession to any mining claim shall be in dispute, the said court or the judge thereof may, upon application of any of the parties to such suit, enter an order for the under-ground as well as surface survey of such part of the property in dispute as may be necessary to a just determination of the question involved. Such order shall designate some competent surveyor not related to any of the parties in such suit, or in anywise interested in the result of the same ; and upon the application of the party adverse to such application, the court may also appoint some competent surveyor, to be selected by such adverse applicant, whose duty it shall be to attend upon such survey, and observe the method of making the same ; said second survey to be at the cost of the party asking therefor. It shall also be lawful in such order to specify the names of witnesses named by either party, not exceeding three on each side, to examine such

property, who shall be allowed to enter into such property and examine the same; such court or the judge thereof may also cause the removal of any rock, debris, or other obstacle in any of the drifts or shafts of said property, when such removal is shown to be necessary to a just determination of the question involved: *Provided, however,* That no such order shall be made for survey and inspection except in open court or in chambers, upon notice of application of such order of at least six days, and not then except by agreement of parties or upon the affidavit of two or more persons that such survey and inspection is necessary to the just determination of the suit, which affidavits shall state the facts in such case, and wherein the necessity for survey exists; nor shall such order be made unless it appears that the party asking therefor had been refused the privilege of survey and inspection by the adverse party.

SEC. 2. The said district courts of this Territory, or any judge thereof, sitting in chancery, shall have, in addition to the power already possessed, power to [issue] writs of injunction for affirmative relief, having the force and effect of a writ of restitution, restoring any person or persons to the possession of any mining property from which he or they may have been ousted, by force and violence, or by fraud, or from which they are kept out of possession by threats, or whenever such possession was taken from him or them by entry of the adverse party on Sunday, or a legal holiday, or while the party in possession was temporarily absent therefrom. The granting of such writ to extend only to the right of possession under the facts of the case, in respect to the manner in which the possession was obtained, leaving the parties to their legal rights on all other questions as though no such writ had issued.

SEC. 3. In all cases where two or more persons shall

associate themselves together for the purpose of obtaining the possession of any lode, gulch, or placer claim, then in the actual possession of another, by force and violence, or by threats of violence, or by stealth, and shall proceed to carry out such purpose by making threats against the party or parties in possession, or who shall enter upon such lode or mining claim for the purpose aforesaid, or who shall enter upon or into any lode, gulch, placer claim or quartz mill, or other mining property, or, not being upon such property, but within hearing of the same, shall make any threats, or make use of any language, sign or gestures calculated to intimidate any person or persons at work on said property from continuing to work thereon or therein, or to intimidate others from engaging to work thereon or therein, be fined in a sum not exceeding two hundred and fifty dollars, and be imprisoned in the county jail not less than thirty days nor more than six months; such fine to be discharged either by payment or by confinement in such jail until such fine is discharged, at the rate of two dollars and fifty cents (2.50) per day. On trials under this section proof a common purpose of two or more persons to obtain possession of property as aforesaid, or to intimidate laborers as above set forth, accompanied or followed by any of the acts above specified by any of them, shall be sufficient evidence to convict any one committing such acts, although the parties may not be associated together at the time of committing the same.

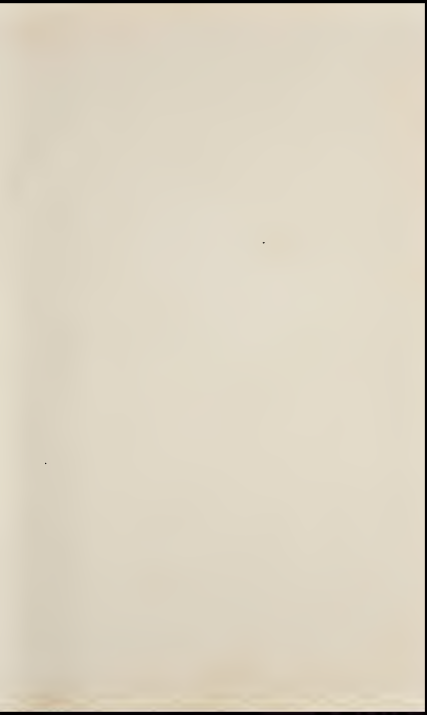
SEC. 4. If any person or persons shall associate and agree to enter or attempt to enter by force of numbers and the terror of such numbers is calculated to inspire, or by force and violence, or by threats of violence against any person or persons in the actual possession of any lode, gulch or placer claim, and, upon such entry or attempted entry, any person or persons shall be killed, said persons

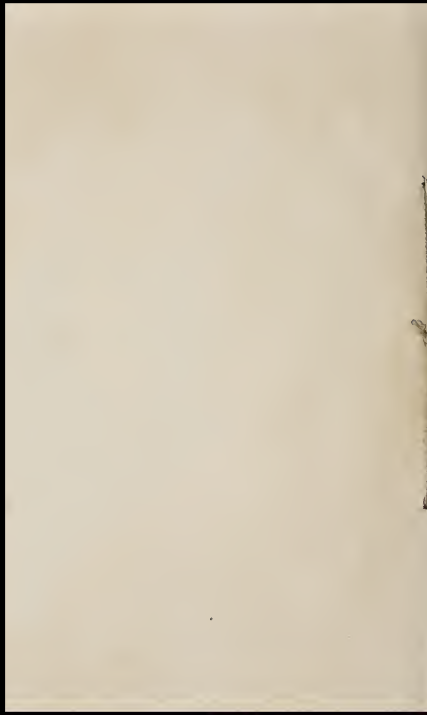
and all and each of them so entering or attempting to enter, shall be deemed guilty of murder in the first degree, and punished accordingly. Upon the trials of such cases, any person or parties cognizant of such entry, or attempted entry, who shall be present and aiding, assisting or in any wise encouraging such entry, or attempted entry, shall be deemed a principal in the commission of said offense.

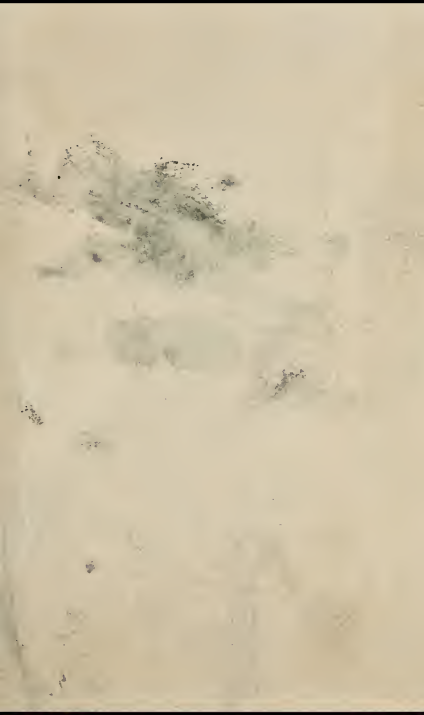
SEC. 5. All acts and parts of acts inconsistent herewith are hereby repealed, so far as they shall affect the enforcement of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, January 6, 1875.







BLACK HILLS MAP

INCLUDING
NEBRASKA AND PART OF DAKOTA
WYOMING COLORADO AND KANSAS

Published by
D.N. SMITH
BURLINGTON IOWA MARCH 1876

